

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT GREENVILLE**

TENNESSEE CLEAN WATER
NETWORK,

Plaintiff,

v.

U.S. DEPARTMENT OF DEFENSE,
JIM MATTIS,¹ in his official capacity
as Secretary of the U.S. Department of
Defense, and BAE SYSTEMS
ORDNANCE SYSTEMS, INC.,

Defendants.

Civil Action No. 2:14-cv-336

Judge: Hon. R. Leon Jordan

Magistrate: Hon. Dennis H. Inman

**JOINT NOTICE OF CONSENT DECREE TERMINATION OR, IN THE
ALTERNATIVE, MOTION TO TERMINATE CONSENT DECREE**

Plaintiff Tennessee Clean Water Network (“TCWN”), Defendants U.S. Department of Defense and Jim Mattis in his official capacity as the Secretary of the U.S. Department of Defense (“Federal Defendants”), and Defendant BAE Systems Ordnance Systems, Inc. (“BAE Systems”) jointly notify this Court pursuant to Paragraph 33 of the Consent Decree entered in this action, that Federal Defendants and BAE Systems have completed their obligations under the Consent Decree and, therefore, the Decree is terminated and this matter may be dismissed. Alternatively, the parties respectfully move the Court to terminate the Consent Decree. In support, the parties jointly state as follows:

¹ Plaintiff originally brought this claim against Chuck Hagel, the former Secretary of the United States Department of Defense, and was replaced by his successor, Ashton Carter. Pursuant to Federal Rule of Civil Procedure 25(d), his successor, Jim Mattis, has now automatically been substituted as a party.

1. TCWN filed this action on November 17, 2014, alleging that Defendants violated the Clean Water Act (“CWA”) at the Holston Army Ammunition Plant (“HSAAP”) in Kingsport, Tennessee.

2. On October 10, 2015, this Court entered a Consent Decree among TCWN, Federal Defendants, and BAE Systems, resolving this action. *See* Ex. A (Consent Decree).

3. Paragraph 33 of the Consent Decree states “[t]his Consent Decree shall be terminated when all obligations under Section V (Injunctive Relief) have been discharged and all matters related to costs of litigation (including attorney’s fees) have been resolved.”

4. BAE Systems and Federal Defendants have completed all of their obligations under Section V of the Consent Decree. BAE Systems has provided TCWN with reports detailing its completion of those obligations, including an October 20, 2016 notice that BAE completed its obligation to cease transport of acetic anhydride from Area A to Area B, and a January 13, 2017 notice that the HSAAP has complied with its permit limit for RDX at Outfall 020 for nine consecutive months.

5. The parties fully resolved matters related to costs of litigation including attorney’s fees by agreement dated November 2, 2015.

6. The parties have conferred and all agree that the conditions for termination have been satisfied.

Therefore, TCWN, the Federal Defendants, and BAE Systems stipulate and notify this Court that the Consent Decree has been terminated. In the alternative, the parties respectfully move this Court to terminate the Consent Decree for the reasons set forth above.

Respectfully submitted, on March 23, 2017,

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Certificate of Service

I hereby certify that on March 23, 2017, a true and correct copy of the above Notice of Termination and its attachment in the case of *Tennessee Clean Water Network v. U.S. Department of Defense, et al.*, No. 2:14-cv-336, was filed via the Court's electronic filing system, which will send notice of filing to all counsel of record.

Dated March 23, 2017

BY: s/ Samara M. Spence
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division